Sovereign;
Citizen in the party; in the
territory of the state of Michigan;

(1)

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

NO.

# In the supreme-court of the united-states

**Arthur-Bruce: Neilson; and**
**Douglas-Dwight: Bennett;**
**Petitioners;**

**vs.**

**Michigan; state of Michigan; et.,al.,**
**Respondents;**

---

## On Petition for writ of Certiorari to the united-states-court of appeals for the sixth-circuit;

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## Petition for Writ of Certiorari

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**Arthur-Bruce: Neilson;**
**c/o 7770 Robb-road;**
**Fowlerville; michigan 48836**
**Citizen in the party;**
**1- ( 517) 223-7892;**

**Douglas-Dwight: Bennett;**
**c/o 24689 Frontier-Cir.**
**Flat-rock;michigan 48134**
**Citizen in the party;**
**( 734) 789-1136;**


3187

# Questions-Presented;

**(1.) Whether; Respondents' acting together enforcing Michigan-Compiled-Law; statute of the foreign-State of Michigan; §600: 916 is in violation of Article: IV of the §2; Privileges and Immunities of Citizens; under the constitution of the united-states; that Petitioner: Douglas-Dwight: Bennett; act as choice of counsel for Petitioner; Arthur-Bruce; Neilson; in a foreign-State of Michigan-criminal action.**

**(2.) Whether; Respondent's acting together enforcing Michigan-Compiled-Law; statute of the foreign-State of Michigan; §600:916; is in violation of the Preamble to constitution of the united-states; the natural-right of Petition: Arthur-Bruce: Neilson; natural-right of choice to have Petitioner: Douglas-Dwight: Bennett; to act as counsel of choice under a private-contract of the petitioners'; right to contract; under Article: 1; of the §10; of the clause 2; of constitution of the united-states.**

**(3.) Whether; the individuals acting together in the name of the foreign-State of Michigan: is in violation of Article: IV of the §1 Full-Faith and Credit; by enforcing Michigan-Complied-Law; of the foreign-State of Michigan; §600.916; under the constitution of the united-states.**

**(4.) Whether; Respondents' acting together in the name of the State of Michigan have the authority to enforce M.C.L. §600.916 beyond the soil of its creation; lansing in the michigan; by Michigan-Constitution of 1963 without boundaries.**

## Parties to Proceedings

The parties are limited to those named in the caption namely, Petitioner: Arthur-Bruce: Neilson; Petitioner: Douglas-Dwight:Bennett;Respondent; Michigan;state of Michigan; as a foreign-state; Attorney-general; for the State of Michigan; Frank-J.

Kelley; Respondent: Phyllis-C. Mc Mullen; Respondent: Gary-Berg: 51st. District-Court of the foreign-State of Michigan; Respondent: State-Bar of Michigan; Respondent: Thomas-K. Byerley; Respondent: Secretary of State-Candice-S. Miller; michigan-secretary of state; and Respondent; The Michigan-Supreme-Court; Elizabeth-A. Weaver; Chief-Justice.

**Statement-under ( pursuant) to rule 29.6**

Petitioner; Arthur-Bruce: Neilson; Petitioner: Douglas-Dwight: Bennett; as Citizens in the party; in the territory of the state of michigan within the united-states under the constitution of the united-state have a right to judicial-review under Article III; of the order of the united-states court of appeals for the sixth-circuit; on the issues raised as the "law of the case". The issue is the enforcement of M.C.L. 600: 916; by the Respondents in violation of the preamble of the constitution of the united-states; should be granted immunity for acts performed outside of the jurisdiction of

the foreign-State of Michigan without boundaries in the Michigan-constitution of 1963.

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**I. The Petition should be Granted because under Article III of the § 2; of the constitution of the united-states; Petitioner: Arthur-Bruce: Neilson; Petitioner: Douglas-Dwight: Bennett; have the right to judicial-review on the controlling questions of law raised in the federal-court.**

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**B. Article IV of the §2; Privileges and Immunities of Citizen is violated by Respondent; Phyllis-C.Mc Millen by denying Petitioner: Mr. Neilson; his natural right of choice to have Petitioner Mr. Bennett; act as counsel to represent him in the 51st. District-Court..... 11.**

**C. The names Respondent's; acted together and/or separate in the enforcing the "Specific-Policy" of the foreign-State of Michigan in violation of the preamble of the constitution of the united-states and the preamble for the Constitution of the State of Michigan; dated 1835 ..... 9.**

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**II. The Petition should be Granted because the united -states- court of appeals for the sixth-circuit did not consider the " law of the case". Petitioner's: Mr. Neilson; and Mr. Bennett; invoked the property-rights of the contract; the privilege and immunitites as Citizens in the party and did not consent to or waive their rights in the foreign-State of Michigan 51st. District-Court. Petitioner's: Mr.Neilson; and Mr. Bennett; have a reasonable belief that agents of the foreign-State of Michigan; that by the law filed an Oath of Office to uphold the laws and the constitution of the united-states would not violate the Oath and bring cause for charges of perjury to**

**be filed against the Respondents as persons. The actions of the Respondents as Persons in violation of the Preamble of the constitution of the united-states; in violation of Article IV of the § 2; Full-Faith and Credit; Article IV of the §2; Privileges and Immunites of Citizen and Article VI Supremacy-Clause of the clause; 2; Supreme-law.....**

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**Cases-Cited:** **Pages;**

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# Appendix

**Appendix - A- Judgement of the united-states -court of appeals for the sixth-circuit filed: May; 03; 1999 ..... 1- A.**

Petitioner: Arthur-Bruce: Neilson; Petitioner: Douglas-Dwight: Bennett; respectfully request that a writ of certiorari be issued to review of the judgement and order of the united-states court of appeals for the sixth-circuit in this timely filing in the supreme-court of the united-states by the Petitioners for judicial-review.

## Opinions- below

The judgement of the united-states-court of appeals for the sixth-circuit is found in the Appendix -A- dated May; 03; 1999.

## Statement of the courts jurisdiction

Jurisdiction of this court is invoked under **Rule 17; Procedure in an Original-Action** of the rule of the supreme-court under **Article; III; of the §2; clause 1 of the constitution of the united-states.** The Subjects of jurisdiction of this case is in "Law of the Case" and in Equity, arising under this constitution. The respondent is the foreign-State of Michigan; that includes affecting

a case in controversy; between the Petitioner's Arthur-Bruce: Nelson: Petitioner: Douglas-Dwight: Bennett as Citizens in the territory of the state of Michigan; non-residents of the foreign-State of Michigan; not within the boundaries of the foreign-State of Michigan dated 1963.

## Constitutional and Statutory Provisions Involved

Under the Preamble of the constitution of the united-states a citizen has the right of choice to whom he/ or she wishes to represent him/ or her the people are the best judges who ought to represent them.

To dictate and control them, to tell them who they shall elect, is to abridge their natural-right's.

In the constitution of the united-states under Article IV of the § 1; Full-Faith and Credit shall be given in each State to the publc-Acts; records and judicial-proceedings of every-State. Supreme-court has jurisdiction of appeal where state-court refuses

to recoginize that rights of parties are determined by law of another state in which the decree has been rendered and to apply such-judgement.

Under Article 1; of the §10; clause 2 ---- Powers denied to the states -----Treaties ---- Money--Expost facto-Laws ---- Obligations of contract; --- or laws impairing the obligation or grant any Titles of noblity. In terms of contract law the constitution of the united-states; and the Michigan-Constitution for State of Michigan is a contract with the people of the united-states and in this a contract with the people of the state of Michigan. A contract is an agreement between the parties and is signed to place the contract enforced.; or immune from requirement of Full-Faith and Credit; of Article IV §1.

Under Article IV; of the §2; of clause 1; Privileges and Immunities of Citizens; The Citizens in each State shall be entitled to the Privileges and Immunities of Citizens in the several-States. The Petitioners as Citizens in the territory of the state of Michigan; is deprived of natural -rights; by the enforcement of the "Specific-

Policy" of the Respondents; enforcing M.C.L. 600:916 of the foreign-State of Michigan; beyond the soil of its creation in the lansing; michigan. The Michigan-Constitution of 1963 is a contract with the people of the state of michigan without boundaries; with a Preamble grateful to Almighty-God for the blessings of liberty.

Under Article; V;--- Amendment of the Constitution; of the Fifth-Amendment to the Constitution provides in relevant part: "No person shall ---- be deprived of life; liberty; or property; without due-process of law; nor shall private-property be taken for public use, without just compensation. Article of the [XIV] provides in relevant part " No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens in the united-states; nor shall any State deprive any person of life; liberty; or property; without due-process of law; nor deny to any person within the jurisdiction the equal protection of the laws.

## Statement of the Case

This action arose in the foreign-State of Michigan 51st. District-Court in the territory of the state of Michigan. Petitioner: Mr. Neilson; is charged with a State of Michigan criminal-action of the operation of a motor-velicle under the influence of liquor on the 20th., of August 1990. Appearing Mr. Neilson as counsel attorney Mr. Weiner; isin agreement between the court and Mr. Neilson is overturned and Mr. Neilson is to appear in the 51st. District-court. There is a breakdown in the relation with Mr. Neilson attorney and Mr. Larin filed with the court a withdrawal.

Mr. Neilson appearing before the court request that Mr. Bennett act as his counsel of choice. Mr. Bennett moved before the court not crossing the bar of the court; explained to Judge Mc. Millen that Mr. Neilson has a right of choice to represent him is this action. The reply is that Judge-Mc.Millen called the State-Bar of Michigan. The Reply by the State-Bar of Michigan is that no unlicensed attorney may represent a third-person in court enforcing the "Specific-Policy" of M.C.L. 600: 916; of the foreign-State of Michigan. Judge-Mc.Millen denied the request of

Mr. Neilson.

Petitioner: Mr. Neilson; Petitioner: Mr. Bennett; filed suit in the United-States-District-Court for the Eastern-District of Michigan; Southern-Division. The district-court denied the civil-action of the Plaintiff's Mr. Neilson; and Mr. Bennett. The Plaintiffs/ Appellant's Mr. Neilson and Mr. Bennett appealed to the united-states-court of appeals for the sixth-circuit. The Federal-Circuit-Court upheld the decision of the lower district-court on the mertits of the case not deciding the controlling question of law raised by the Plaintiff's in the District-Court. dismissing the case as the plaintiff's can prove no set of facts in support of their claims which would entitle them to relief. Granting to the defendants immunity from liability under the Eleventh-Amendment; which bars suits against states unless specifically overridden by an act of congress or consents by waiver of immunity.

Petitioners Mr.Neilson: Petitioner: Mr. Bennett bring this action before this **Article III court on an original action** for this court to decide the **"Law of the Case"**.

**A. Questions raised by the "Law of the Case"**

Question raised in this case is whether or not the named individual acting in the enforcing of the "Specific-Policy" of the foreign-State of Michigan of the State-Bar of Michigan enforcing M.C.L.600:916 violated the Preamble of the constitution of the united-states and the Preamble of the Constitution for the State of Michigan by not allowing Mr. Neilson his natural-right to have Mr. Bennett represent him in the foreign-State of Michigan criminal-proceeding.

**B. Background of the Preamble of the constitution of the united-states**
**and the Preamble of the constitution of the state of Michigan 1908**
**of the constitution of 1835.**

In 1776 the constitution was ordained and established by the people of the united-states for themselves; for their own government and not for the government of the individual-states. Each state established a constitution for itself.

and; in that constituiton; provided such litigation and restrictions on the powers of the particular government as its judgement discretion. The people of the united-states for the framed such a government for the united-states as they supposed best adapted promote their interests. The powers they conferred on this government were to be exercised by itself; and the limitations on power; if expressed in general terms; are naturally; and we think; necessarily applicable to the government created by the instrument. They are limitations of power granted in the instrument itself; not of distinct governments; framed by different persons of different purpose.

The Federal-Constitution was ; as its preamble recites; ordained and established by the people of the united-states. Created not a confederacy of states: but a government of individuals. It assumed that the government and the union which it created; and the states which were incorporated into the union; would be indestructible and perpetual.

Under the constitution the people act as sovereigns of the

whole country; and in the language of the sovereignty; establishing a constitution by which it was their will that the state governments should be bound; and to which the state-constitution should be made to conform.

Sovereignity itself is; of course; not subject of the law; for it is the author and source of law; but in our system; while sovereign powers are delegated to the agencies of government ; sovernignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limit of power. It is indeed; quite true; that there must be lodged somewhere; and in some person or body; **the authority of final-decision**; and in many cases of mere administration the responsibility is purely political; no appeal lying except to the ultimate; tribunal of the public-judgement; exercised either in there pressure of opinion or by means of the suffrage. But the fundamental-rights to life; liberty; and the pursuit of happiness; considered as individual possessions; are secured by those maxims of constitutional-law which are the monuments showing the

victorious process of the race to securing to men the blessings of civilization under the reign of just and equal-laws, so that in the famous language of the Masachusetts-Bill of Rights; the government of the commonwealth may be a government of the laws and not of men.

In the constitution of the state of Michigan 1908 the wording in the preamble gives to the people of the state of Michigan the same meanings and guarantees as the constitution of the united-states the power is in the people and government; to serve the people not the people to serve government. The declaration of rights to the people the Political-power; government is instituted for their equal-benefit; security and protection. The importance of the constitution of 1835 is that in the --- **Schedue ---- Preservation of rights of action; process --- Laws to remain in force;** --- 2. -- All laws now in force in the territory of Michigan, which are not repugnant to this constitution: shall remain in force until they expire by their limitations, or be altered or repealed by the legislature.

**C. Proceedings below in this case;**

This proceeding in the untied-states; supreme-court involves a petition for writ of Certiorari to the united-states-court of appeals for the sixth-circuit Case No. 98-1317. The parties Petitioner: Arthur-Bruce: Neilson; 7700 Robb-Road; Fowlerville; of the michigan; Sovereign; Citizen in the party; in the territory of the state of Michigan; Petitioner: Douglas-Dwight: Bennett; c/o 24698 Frontier-cir. Flat-Rock; of the michigan; Sovereign; Citizens in the party; in the territory of the state of Michigan.

The foreign-State of Michigan as a Respondent; acting as a foreign-state; in the territory of the state of Michigan; in the united-states. Respondent: Attorney-General Frank-J. Kelley is acting under the Michigan-Constitution of 1963 as a agent of the foreign-State of Michigan. Respondent: Phyllis-C. Mc Mullen is a 52nd. Disrtict-Court-Judge for the foreign-State of Michigan; Respondent: State-Bar of Michigan; Respondent Thomas-K. Byerley; Respondent; secretary of the State of Michigan; Respondent: Candice-S. Miller; and the Michigan-Supreme-Court

acted beyond the boundaries of the foreign-State of Michigan; and did by and throught the action did violate the contract rights; the natural-rights and privileges and immunities as secured by preamble of the constitution of the united-states; acting without authority; outside of the boundaries of the Michigan-Constitution of 1963. In Ms. Mc. Mullen court room is the foreign-flag with the yellow-fringe with Gold-Spire for Court-martial with Gold-Tassel-Admiralty of the foreign-State of Michigan seal. The demintion of the seal is not the same demintion of the state of Michigan as a state in the united-states. In the court-room of Ms. Mc Millen is the foreign-flage of The United-States of America with the yellow-fringe with the Gold-Tassel-Admiralty with the Gold-Eagle-President; U.S.A. This flag is not the united-states flag of peace as described under the Title; 4; of the U.S.C. § 1 &. 2.

## Reasons for Granting the writ

## I.

**The Petition should be granted because the Federal-Circuit-Court has rendered a decision on the merits of the case not on the " Law of the Case". The Federal-Question of law is not decided involving the preamble of the constitution of the united-states; the taking of the private-property of the petitioners natural-rights to choice of representation by contract; by the respondent's acting to in force the "specific-Policy" of the State-Bar of Michigan under M.C.L. 600:916 in conflict with the right's - Privileges and Immunities of Citizens. The Petitioner: Arthur-Bruce: Neilson; Petitioner: Douglas-Dwight: Bennett; petition the court for an order involving a statute of the foreign-State of Michigan whether M.C.L. 600: 916 is in conflict with the natural-right's of the petitioners natural-rights of choice under the preamble of the constitution of the united-states.**

A matter crucial to the cause of justice in this case is the understanding of the natural-right's of the petitioner: Arthur-

Bruce: Neilsons' natural-right of choice to represent him in the criminal-action in the foreign-State of Michigan in view of **U.S.Term-Limits-Inc. et.,al., vs Ray Thorton et.,al., at Nos. 93-1456 and No. 93-1828 ( 1965).**

No issues exists in this case that the **"words"** or **"terms"** to act as counsel of choice in an infringement of the licensed **"words"** or **"terms"**of the **State-Bar of Michigan** under M.C.L. 333.16106 as controlled by the **Department of Commerce** ; as a transfer of powers and duties of certain occupational-functions; boards; and commissions from the Department of Licensing: under section 338:2201; short-title as a **State-license-Fee-act;** under M.C.L. 600:916. The language and the intent of the legislature is clear and shall-not be infinged --- upon the words and terms-licensed is " attorney and counselor"; "attorney at law"; or "lawyer". Only members of the State-Bar of Michigan have exclusive rights to this use; regulation of the use is through the Michigan-Supreme-Court; under M.C.L. 600.904 as being understood by Petitioner: Mr. Bennett.

The use of the term and words to act as counsel of choice is reserved to the sovereign- Citizen in the party; in the territory of the state of Michigan by and through the preamble of the constitution of the united-states dated 1776; and the constitution for the state of Michigan dated 1908.

A. **Established under the constitution of the united-states of the Article III. §2; for judicial-review;**

The systems of judicial-remedies derive from two main sources. There are, first , a group of statutes which establish an agency and incorporate provisions for the review of its actions. There is; second ; a brace of remedies which have developed by the combined actions of common-law and statutes consulating; simplifying; or in some other way reforming the common-law remedies. These remedies are certiorari; mandamus; probition; habeas-corpus; quo-warranto ( the so-called prerogative-writs) damage-suits; the bill of equity; and defense to enforcement proceedings.

The term "judicial-review" is commonly used to describe all forms of judicial-scrutiny. But the use may blind us to the

variety of possible judicial-functions ( the courts of State of Michigan perform no judicial-function by the fact these courts are not courts of record) and the judges are persons under article VI of the §23; being licensed through the State-Bar of Michigan; serving two masters which relate to official-activity and may lead to false-conclusions. Under the Federal-Constitution only the Supreme-Court has an independent-constitutional.The Federal-Government is a government of limited-powers; however; and even more to the point; the federal-courts probably have only such jurisdiction ( apart from the original-jurisdiction of the supreme-Court) as Congress confers.

The determining the limits of statutory grants of authority ( M.C.L.600; 916 and M.C.L. 600:904 regulation of the foreign-State of Michigan) is a judicial-function entrusted to the courts by Congress by the statutes-establishing courts and marking their jurisdiction ..... [U]nder Article III ; Congress established courts to adjudicate-cases and controversies as to claims of infringement

of individual-rights whether by unlawful actions of private-persons or by the exertion of unauthorized-administrative-powers.

The Administrative-Procedure-Act of 1969 of the foreign-State of Michigan; and the Adminstrative-Act of the Title 5; of the U.S.C. has had a negligible effect on the basic rights to judicial-review. The petitioners have exhausted the remedy in the administrative-procedure-act; for relief of the infringement of the natural-right; privileges and immunities under the **United-states-constitution; by this** writ of certiorari the petitions move for judicial-review of the actual-controversy of the actions of named individuals as persons; and/or agents acting under the statutes of the foreign-State of Michigan.

**B. The burden of proof is that the Petitioner's did not violated the commerce-clause infringing on the licensed words or terms by the State-Bar of Michigan under M.C.L. 600:916 is not proved in the State of Michigan 51st. District-court is never been proved.**

The natural-rights recognized by the Pettitioner's is a guarantee under the preamble and the article: VI of the privileges and immunities of the Citizens of the united-states under the

constitution of the united-states; and therefore such rights should be applied to the petitioner's. The State-Bar of Michigan is an agency of the foreign-State of Michigan with limited-power by the binding contract-agreement in the constitution of the U.S. and the constitution of the state of Michigan.

The united-state court of appeals for the sixth-circuit in consideration of the questions of the "law of the case" passed on this issue; giving consideration to prior decisions of issue not revelent to the petitioners complaint the right to acquire personal-property in the form of a contract Limited-Power of attorney to act as principle in the foreign-state of Michigan criminal-action is secured and protected by the privileges and immunities-clause. Citizens are not corporations within meaning of the provisions of Article IV of the §2; clause 2 declaring that "the Citizens of each state shall be entitled to all privileges and immunities of Citizens in the several-States.

Under Article; IV; of the § 2; clause 1 privileges and immunities clause requires states to accord to Citizens of other

states ( Petitions not being members of the foreign-State of Michigan is denied this privilege) substantially same right to access to its courts as it accords to its own citizens. Power of the foreign-State of Michigan or its agency to determine-limits of jurisdiction to enforce M.C.L. 600: 916; of its courts and character of controversies which shall be heard in them and to deny access to its courts; in exercise of its right to regulate-practice and procedure; is subject to restrictions imposed by privileges and immunities. The foreign-State of Michigan statute M.C.L. 600:919 is not a penal-law of the territory of the state of Michigan.

Petitioner; Arthur-Bruce: Neilson; Petitioner: Douglas-Dwight: Bennett; should not be deprived of the right of judicial-review of the "law of the case" being decided by the supreme-court. The law is clear the supreme "law of the case" is the constitution of the united-states and the preamble guarantees to the Citizens in the jurisdiction of the united-states the natural-right of choice; that is infringed on by the named individuals or/ agents acting under the color of the laws of the foreign-State of Michigan

enforcing the "Specific-Policy" of the State-Bar of Michigan in denying access to the courts as residents of the state of Michigan. The respondents should be held responsible for their actions; in fact deprived the petitioner the benefit of the immunities and privileges of the U.S. constitution. It is respectfully requested that this court grant writ of certiorari.

## Conclusion

Accordingly; Petitioner: Arthur-Bruce: Neilson; Petitioner: Douglas-Dwight: Bennett; respectfully request petition for writ of certiorari. Petitioners claim is actually a federal-claim and not a state-law-claim; not being barred by the Eleventh-Amendment. Petitioners; Arthur-Bruce: Neilson; and Douglas-Dwight: Bennett through the administrative-proceeding in the lower state and federal-courts is denied the right of a fair-hearing upon investigation of the facts and the merits of the " law of the case" by the fact the judges reviewing the case is licensed or members of a state-bar or members of the american-bar. Under the preamble of the constitution of the united-states the people of the United-

States; in order to form a more perfect Union; establish Justice ; insure domestic Tranquility; provide for the common-defence; promote the general-Welfare; and secure the Blessings of Liberty to ourselve and our Posterity; do ordain and establish this Constitution for the United-States of Americe. Petitioners; interpret this to meand the right of a fair-hearing on investigation by a judge that is not bias a basic right of due-process and equal-protestion of the laws of the country. Words " privileges and immunities" in Federal-Constitution; Article IV; §2; are words of very comprehensive meaning; and clause in which they are contained plainly and unmistakably secures and protects right of citizen of one state to pass into any other state of Union for purpose of engaging in lawful commerce; trade; or business without molestation; to aquire personal-property. The right to practice law is a lawful-business to the petitioner: Douglas-Dwight: Bennett. Petitions: Neilson; and Bennett; move before this court request this petition for writ of certiorari in their own names and for their own benefit as sovereign-Citizens in the party

in the united-states; within the jurisdiction of supreme-court. The petitioner Arthur-Bruce:Neilson; and Douglas-Dwight: Bennett; pray for this relief.

Respectfully-submitted;

Date; 09-30-99

Arthur-Bruce: Neilson;
c/o 7700 Robb-road;
Fowlerville; michigan [ 48836]
Petitioner; Sovereign; Citizen in the party; in the territory of the state of michigan;

Date; 09.30.1999

Douglas-Dwight: Bennett;
c/o 24689 Frontier-cir.
Flat-Rock; of the michigan [48134]
Petitioner ; Sovereign; Citizen in the party; in the territory of the state of Michigan;
1- (789) 734-1136

# APPENDIX -A-

# UNITED-STATES-COURT OF APPEALSFOR THE SIXTH-CIRCUIT

**May 1999**
**Leonard Green; Clerk**

**Arthur-Bruce: Neilson; and Douglas-Dwight: Bennett; Plaintiffs-Appellants;**

**V.**

**STATE OF MICHIGAN; et., al., Defendants-Appellees;**

**ORDER**

**Not Recommended for Full-Text Publication**

Sixth Circuit Rule 206 limits citation to specific situations. Please see Rule 206 before citing In a proceeding in a court In the Sixth-Circuit. If cited a copy must be served on all parties and the court. This notice is to be **preminetly** displayed. If this decision is reproduced.

Before: Ryan, Batchelder; and Clay; Circuit-Judges;

Plaintiffs' Arthur-Bruce-Neilson; and Douglas-Dwight: Bennett; Michigan Litigants proceeding pro-se, appeal a district-court order dismissing their civil-rights complaint filed pursuant to 42 U.S.C. § 1983. Named as the defendants are the State of Michigan; the michigan Attorney General; a Michigan state

court judge; a Michigan prosecuting attorney; the State Bar of Michigan; the Michigan Regulation Counsel for the State Bar of Michigan; the Michigan Secretary of State; and the Michigan Supreme Court. This case has been referred to a panel of the court pursuant to rule 34 (j.), (1.), Rules of the Sixt Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34 (a.).

The plaintiffs' purported § 1983 complaint alleged that the defendants violated their constitutional rights by enforceing the Michigan's policy that only licensed attorneys may engage in the practice of law. The plaintiff's claim arose from the criminal prosecution of plaintiff neilson for driving under thee infulence of alcohol ( "DUT"). Prior to Nelson's trial for the DUL, his attorney withdrew, and neilson requested that the court allow plaintiff Bennett, a non-attorney; to represent him in the criminal proceedings. Bennett also stepped forward to represent Neilson. Judge Phyllis McMillen of the 51st. District-Court denied the request, explaining that under state law; an individual must be

licensed by the state bar in order to engage in the practice of law. Thus, Neilson represented himself at trial and was ultimately convected and sentenced to a period of probation and rehabilition, a revocation of his driver's license, and payment of fines and costs.

Thereafter, the plaintiffs filed the instant action seeking compensatory and punitive damages against each of the named defendants based upon the judicial proceedings in the 51st. District-Court and the refusal to allow Bennett to represent Neilson. Plaintiff's essentially claimed that the actions of the respective defendants during those proccdings violated their rights under the First and Fourteenth Amendments by denying them the " right to assembly and free speech". The district court granted the defendants' motion to dismiss] in an order filed March 2; 1998.

Upon review, we conclude that the district court properly dismissed the complaint as the plaintiffs undoubtedly can prove no set of facts in support of their claims which would entitle them to relief. See Sistrunk v. City of Strongsville, 99 F.3d. 194, 197

(6th. Cir. 1996), cert, denied, 117 S.Ct. 2409 ( 1997); Mayer v. Mylod; 988 F. 2d. 632, 638; ( 1993).

In federal court, a party may represent himself or be represented by an attorney, bur cannot be represented by non-lawyer. See, e.g., Eagle Assocs. v. Bank of Montreal; 926 F. 2d. 1305; 1308-09 ( 2nd. Cir. 1991) ( reviewing authorities): Turner v. American Bar Ass'n; 407 F. Supp. 451, 477 ( N.D. Texx. 1975), aff'd sub nom. Taylor v. Montgomery; 539 F. 2d. 715; (7th. Cir. 1976), and Pilla v. American Bar Ass'n' 542 F.2d. 56 (8th. Cir. 1976). It follows that an " unlicensed laymen [such as Bennett] cannot under the Constitution demand the right to represent other litigants." Turner; 407 407 F. Supp. At 478. Therefore, the plaintiffs' assertions of fact do not implicate the denial of any constitutional rights and fail to state any cognizable claim under upon which relief may be granted.

Moreover, the defendants are immune from liability under the Eleventh Amendment, which bar suits agains the state unless specifically overridden by an act of Congress or the state consents

by waiving its sovereign immunity. Alabama v. Pugh; 438 U.S. 781; 782 ( 1978). The Eleventh Amendment Amendment's bar also extends to suits against the departments or agencies of the state. Id; Ohio v. Madeline Marie Nursing Homes No. 1. and No. 2., 694 F. 2d. 449, 458 ( 6th. Cir. 1982). Furthermore, for the purposes of Eleventh Amendment immunity; suits against state officials as nominal defendants are recognized as suits against the state and are thus also barred. Ford Motor Co. v. Department of treasury; 323 U.S. 459;464 ( 1945). Because neither the State of Michigan nor its agencies or state officials have consented to this action, the plaintiffs' claim against the state, its agencies and department heads are barred by the Eleventh Amendment.

Additionally, each of the individual state defendants enjoy qualified immunity because no clearly established constitutional rights exist for non-licensed individual to act as counsel on behalf of other litigants; nor does any right exist for individuals to be represented by non-lawyers. Harlow v. Fitzgerald; 457 U.S. 800; 818; ( 1982).

Finally; Judge McMillen, the 51st. District Court and the Michigan Supreme Court are absolutely immune from the plaintiffs' request for monetary damages under the doctrine of judicial immunity. Mireles v. Waco; 502 U.S. 9,9-10 ( 1991); ( per curiam); Barnes v. Winchell; 105 F. 3d., 1111, 1115 ( 6th. Cir. 1997). Defendant Gary Berg is absolutely immune from this suit against him for damages because all of his alleged unconstitutional acts were functions performed as a prosecutor. Forrester v. White; 484 U.S. 219, 229 ( 1988); Imbler v. Pachtman; 424 U.S. 409, 420 ( 1976).

Accordingly, the district court's order is affirmed. Rule 34 (j.) (2.) (C.); Rules of the Sixth Circuit.

Entered by Order of the Court

Leonard Green
Clerk